IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6544 of 2006

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CRIME NO.250/2003 OF POOYAPPALLY POLICE STATION

PETITIONER/ACCUSED:

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SUNU, S/O.BALAN, RESIDING AT
PUTHUVEEDU, PERUNKULAM, MALAYIL MURI,
VELIYAM VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.PRATHEESH.P

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, POOYAPPALLY
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 6544/2006**

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**DATED THIS THE 6TH DAY OF NOVEMBER, 2006**

**O R D E R**

The petitioner is accused in crime No.250/2003 of Pooyappally Police Station, for the offence punishable under Section 55(g) of the Abkari Act.

2. It is alleged that the petitioner was found in illegal possession of 300 litres of wash. But he could not be arrested, and remains at large. The investigation is complete and the matter is now pending as C.P.No.100/2006 on the file of the Judicial Magistrate of First Class-II, Kottarakkara. Hence the petitioner is before this Court, for a pre-arrest order.

3. Today, I had disposed of B.A.No.6546/2006, in crime No.251/2003 of the very same police station, in which another accused, Sasidharan @ Sasi Kumar, was found in illegal possession of 198 litres of wash . In that case also, the investigation was complete and final report had been filed. But the accused was not arrested. This

application is another instance of the very same police station.

4. While disposing of both the applications, the learned Director General of Prosecution, who was present in the Court, suo motu submitted that the Government of Kerala has taken seriously all the laps on the part of the police, and is intending to bifurcate law and order duties as well as the investigation duties of the police personnel. It is the suggestion that if the implementation is uninfluenced by other considerations and is as per the procedures, it is expected to bring about an effective investigation as well as maintenance of law and order situation in the State of Kerala.

5. As the matter is now pending before the Court below for committal to the Sessions Court, I direct the petitioner to surrender before the Judicial Magistrate of First Class-II, Kottarakkara, on 13.11.2006 at 11.00 a.m.

6. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, so that the petitioner would be

available before the concerned Courts, for facing the proceedings and the trial against him.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs